

FILED  
8/28/2020 1:20 PM  
DOROTHY BROWN  
CIRCUIT CLERK  
COOK COUNTY, IL

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

LUCILLE TAGLIERE, )  
)  
Plaintiff, )  
)  
v. ) No.  
)  
WALMART, INC. d/b/a SAM'S CLUB, )  
a Foreign Corporation, )  
)  
Defendant. )

2020L009262

**COMPLAINT AT LAW**

Plaintiff, LUCILLE TAGLIERE, by her attorneys, David A. Axelrod & Associates, P.C., and for her Complaint against Defendant WALMART, INC. d/b/a SAM'S CLUB, states as follows:

**GENERAL ALLEGATIONS**

1. At all relevant times herein, Plaintiff LUCILLE TAGLIERE ("LUCILLE") resided at 3829 Wesley Avenue, Berwyn, Cook County, Illinois 60402.

2. At all relevant times herein, Defendant WALMART, INC. d/b/a SAM'S CLUB ("SAM'S"), was a Delaware corporation that owned and/or operated a retail store located at 9500 W. Joliet Rd., Hodgkins, Cook County, Illinois, 60525 (the "Store").

3. On or about September 1, 2018, LUCILLE was a lawful guest of the Store.

4. On or about September 1, 2018, LUCILLE was in the café area of the Store when she went to the soda fountain to fill a drink for herself and her friend whereupon she tripped on the rug in front of the soda fountain causing her to fall into the soda fountain and the metal table on which it sat.

5. After falling into the soda fountain and the metal table on which it sat, LUCILLE then noticed that the rug had buckled due to other patrons' shopping carts.

6. After falling into the soda fountain and the metal table on which it sat, a SAM'S café employee approached LUCILLE to check on her. At that time, the SAM'S café employee informed LUCILLE that she had repeatedly informed the management that the rug would buckle due to shopping carts but that nothing had ever been done to resolve that issue.

7. As a direct and proximate result of falling into the soda fountain and the metal table on which it sat, LUCILLE sustained severe injuries, including but not limited to, wrist, shoulder, neck and back injuries, necessitating substantial medical treatment.

8. At all times relevant herein, Defendant SAM'S, as the owner and/or operator of the the Store, had a duty to exercise reasonable care to keep the common areas of the property, including the café area, in a reasonably safe condition. Defendant's duty extended to any persons lawfully on the premises, including LUCILLE.

9. At all times relevant herein, Defendant SAM'S knew, or should have known, that the rug in front of the soda fountain in the café area would buckle when patrons' shopping carts were on it.

10. At all times relevant herein, Defendant SAM'S knew or should have known that individuals, such as LUCILLE, who were lawfully on the property, would have difficulty seeing the rug buckle or that they may be distracted from noticing the rug buckle.

11. Notwithstanding its aforesaid duty, Defendant SAM'S carelessly and negligently committed one or more of the following wrongful acts or omissions:

- (a) Failed to remove the rug in front of the soda fountain;
- (b) Failed to warn patrons of the dangerous condition of the rug buckling;
- (c) Failed to maintain the rug in front of the soda fountain;

- (d) Failed to tape down the rug in front of the soda fountain; and/or,
- (e) Failed to otherwise remedy the condition of the buckled rug in front of the soda fountain.

12. As a direct and proximate result of one or more of the foregoing acts or omissions, LUCILLE was caused and did suffer serious injuries including: pain; suffering; disability; disfigurement; legal obligations for hospital, medical, nursing, rehabilitation, and other medical services and treatments. Some or all of these injuries are permanent.

WHEREFORE, Plaintiff LUCILLE TAGLIERE demands judgment against Defendant WALMART, INC. d/b/a SAM'S CLUB in an amount in excess of \$50,000.00, plus costs of suit.

LUCILLE TAGLIERE

By: /s/ Jason M. Kleinman  
One of Plaintiff's Attorneys

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**AFFIDAVIT REGARDING DAMAGES SOUGHT**

JASON M. KLEINMAN states as follows:

1. That the affiant is one of the attorneys of record for the Plaintiff in this matter.

2. That the total money damages sought in this civil action exceeds the amount of \$50,000.00.

FURTHER AFFIANT SAYETH NOT.

Under penalties as provided by law pursuant to 735 ILCS § 5/1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be upon information and belief and as to such matters the undersigned certifies as aforesaid that I verily believe the same to be true.

/s/ Jason M. Kleinman  
Attorney for Plaintiff

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